

SENATE BILL 93

By Marrero

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 45 and Title 47, relative to verification of
identification.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 22, Part 1, is amended by
adding the following language as a new section:

47-22-105.

(a)

(1) It is an offense for any person employed by a retailer to knowingly fail
to verify the identification of another person who presents a credit or debit card to
pay for goods or services at the point-of-sale during a face-to-face transaction.

(2) The first violation of subdivision (a)(1) is a Class C misdemeanor
punishable by fine only of fifty dollars (\$50).

(3) A second or subsequent violation of subdivision (a)(1) is a Class B
misdemeanor.

(b) Any retailer who employs a person who violates subdivision (a)(1) while such
person is working within the scope of employment of such retailer shall be liable for any
economic damages suffered by the authorized cardholder.

(c) It shall be an absolute bar to criminal or civil liability under this section if, at
the point-of-sale, the person who presented the credit or debit card:

(1) Entered a personal identification number (PIN) or other authorization
code that resulted in the electronic authorization of use of such credit or debit
card; or

(2) Presented a valid government-issued document, such as a driver's license or other form of identification deemed acceptable to the person employed by a retailer, and the name of the person appearing on such document is the same name appearing on the credit or debit card.

(d) For purposes of this section:

(1) "Credit card" means any instrument, writing or other evidence, whether known as a credit card, credit plate, charge plate or by any other name, which purports to evidence an understanding to pay for anything of value to or upon the order of a designated person or bearer;

(2) "Debit card" means any instrument, writing or other evidence known by any name issued with or without a fee by an issuer for the use of a depositor in obtaining money, goods, services or anything else of value, payment of which is made against funds previously deposited in an account with the issuer or from a credit card attached to an account;

(3) "Economic damages" means objectively verifiable monetary losses;

(4) "Retailer" means any person, partnership, firm, corporation or association engaged in the business of the sale or lease of goods or services within this state;

(5) "Valid government-issued document" means a document that has been issued by the United States Government or a state of the United States which has not expired and would appear to a reasonable person to have been issued by such governments; and

(6) "Verify the identification" means to compare the picture of the person on the government-issued document, if the document is a photo-identification card, with the person submitting a credit or debit card for payment and comparing

the signature on such card with the signature of the person presenting the debit or credit card if a signature is required to complete the credit or debit card transaction.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.